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uBreakiFix

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PATRICIA WEEKS, ALICIA HELMS,
BRIAN MCCLOY and ADRIAN ALCARAZ,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 5:18-cv-00801-NC

**DECLARATION OF BIJAL V.
VAKIL, COUNSEL FOR
UBREAKIFIX, IN SUPPORT OF
PLAINTIFF'S ADMINISTRATIVE
MOTION TO FILE DOCUMENTS
UNDER SEAL**

Hon. Nathaniel Cousins

1 I, Bijal V. Vakil, declare as follows:

2 1. I am a member of the bar of the State of California and a partner with the law firm
3 of White & Case LLP, counsel of record for non-party uBreakiFix (“uBreakiFix”) related to the
4 above-captioned action. I submit this declaration on behalf of uBreakiFix in support of Plaintiff’s
5 Administrative Motion to File Under Seal, filed with the Court on November 5, 2018 [Dkt. 93]
6 (the “Motion”).

7 2. Through its motion, Plaintiff seeks permission to file under seal portions of
8 Plaintiffs’ Motion for Class Certification and supporting Memorandum of Law, certain exhibits
9 and portions of expert reports. Specifically, Plaintiff seeks to file under seal Exhibit 2 to the
10 Declaration of Adam E. Polk in Support of Plaintiff’s Motion for Class Certification. Plaintiff
11 has filed its motion to file under seal pursuant to the Stipulated Protective Order in this case [Dkt.
12 50] and filed pursuant to the guidelines in Civil Local Rules 79-5(e) and 7-11(a).

13 3. UBreakiFix is the Designating Party for Exhibit 2 as defined in Local Rule
14 79-5(e).

15 4. On June 26, 2018, uBreakiFix was served with a Subpoena to Produce Documents,
16 Information or Objects to Permit Inspection of Premises in a Civil Action (the “Subpoena”) by
17 Plaintiffs in the instant action.

18 5. On July 10, 2018, Mr. Min Cho, General Counsel for uBreakiFix, served
19 uBreakiFix’s Response and Objection to the Subpoena on Plaintiffs.

20 6. Mr. Edward Trujillo is the person most knowledgeable to opine on the sealable
21 nature of Exhibit 2 with respect to uBreakiFix’s privileged material, protected trade secret
22 material, or material otherwise entitled to protection under the law.

23 7. Attached as Exhibit 1 is a true and correct copy of the Declaration of Edward
24 Trujillo in Support of Plaintiffs’ Motion.

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1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct. Dated this 9th day of November, 2018 at Palo Alto, California.

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5 /s/ Bijal V. Vakil
Bijal V. Vakil
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CERTIFICATE OF SERVICE

I, Michael Kenny, hereby certify that I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is 3000 El Camino Real, 2 Palo Alto Square, Suite 900, Palo Alto, California, 94306. On November 9, 2018, I caused to be served the following document:

- Declaration Of Bijal V. Vakil, Counsel for uBreakiFix, In Support Of Administrative Motion To File Documents Under Seal

☒ **(BY ELECTRONIC TRANSMISSION)** by electronically mailing a true and correct copy through White & Case LLP's electronic mail system at the e-mail addresses set forth below.

☒ **(BY U.S. MAIL)** by placing the document listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Palo Alto California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Min Cho
uBreakiFix
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Attorney for uBreakiFix

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All counsel of record in this action have been served via the Court's ECF system.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on November 9, 2018, at Palo Alto, California.


Michael T. Kenny